

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # 5

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NIEVES

USCA NO. \_\_\_\_\_

-v-

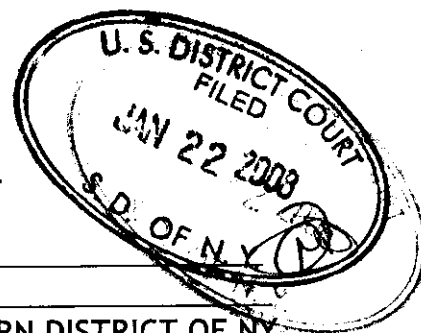
SDNY NO. 07cv11515

JUDGE: KMW

DATE: 1/22/2008

NATIONAL SECURITY AGENCY et al  
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INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) Nezam D.  
FIRM APPEALS SECTION  
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500 PEARL STREET, NEW YORK, NEW YORK 10007  
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

\_\_\_\_\_  
Clerk's Certificate

\_\_\_\_\_  
See Attached List of Numbered Documents

\_\_\_\_\_  
Only Circled Documents Included

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 22<sup>nd</sup> Day of January, 2008.

**United States District Court for  
the Southern District of New York**

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NIEVES

-V-

NATIONAL SECURITY AGENCY et al  
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Date: 1/22/2008

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07cv11515

D.C. JUDGE KMW

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

**Date Filed**

**Document Description**


In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22<sup>nd</sup> Day of January In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>nd</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_  
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-11515-KMW**  
**Internal Use Only**

Nieves v. National Security Agency et al  
Assigned to: Judge Kimba M. Wood  
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 12/26/2007  
Date Terminated: 12/26/2007  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
12/26/2007	<u>2</u>	PETITION SURVEILLANCE COURT. (Filing Fee \$ 350.00, Receipt Number 618934). Document filed by Luis Nieves. (jeh) (Entered: 01/07/2008)
12/26/2007		Magistrate Judge Frank Maas is so designated. (jeh) (Entered: 01/07/2008)
12/26/2007	<u>3</u>	ORDER OF DISMISSAL. It is well-settled that the United States has sovereign immunity from suit and may be sued only with its consent and under whatever terms Congress may impose. Accordingly, the action is dismissed for reasons set forth in this order. I certify under 1915 (a) (3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 12/26/2007) (jeh) (Entered: 01/07/2008)
12/26/2007	<u>3</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed because it seeks relief against defendants who are immune from suit. A certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 12/26/2007) (jeh) (Entered: 01/07/2008)
01/17/2008	<u>4</u>	NOTICE OF APPEAL from <u>2</u> Order Dismissing Petition, <u>3</u> Judgment - Sua Sponte (Petition). Document filed by Luis Nieves. Copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 01/22/2008)
01/17/2008		Appeal Remark as to <u>4</u> Notice of Appeal filed by Luis Nieves. \$455.00 APPEAL FEE DUE. IFP REVOKED 12/26/07. (tp) (Entered: 01/22/2008)
01/22/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>4</u> Notice of Appeal. (tp) (Entered: 01/22/2008)
01/22/2008		Transmission of Notice of Appeal to the District Judge re: <u>4</u> Notice of Appeal. (tp) (Entered: 01/22/2008)